

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:)	Docket No. SRPD 03/04 SCF-4309
Printronix, Incorporated)	
1700 Barranca Parkway)	
Irvine, California 92606)	
)	
EPA ID# CAD000629386)	
)	
)	
Printronix, Incorporated)	ENFORCEMENT ORDER FOR
P. O. Box 19559)	CORRECTIVE ACTION
Irvine, California 92623-9559)	
)	
)	
Schlage Lock Company)	
155 Chestnut Ridge Road)	
P. O. Box 0445)	Health and Safety Code
Montvale, New Jersey 07645-0445)	Section 25187
)	
Respondents))	
)	
)	

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (DTSC or Department) issues this Enforcement Order for Corrective Action (Order) to Printronix, Incorporated (Respondent Printronix) and Schlage Lock Company (Respondent Schlage) (together Respondents).

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1.2. Permitting Status. Respondents are the former operators of a hazardous waste management facility located at 1700 Barranca Parkway, Irvine, California 92606 (Facility). Respondent Printronix engaged in the management of hazardous waste pursuant to a Permit By Rule Authorization issued by DTSC on August 19, 1993.

1.3. Jurisdiction. Jurisdiction exists pursuant to Health and Safety Code section 25187, which authorizes DTSC to issue an order to require corrective action when DTSC determines that there is or has been a release of hazardous waste or hazardous waste constituents into the environment from a hazardous waste facility.

1.4. Definition of Terms. The terms used in this Order are as defined in the California Code of Regulations, title 22, section 66260.10, except as otherwise provided.

1.5. Attachments. All attachments to this Order are incorporated herein by this reference.

FINDINGS OF FACT

2.1. On March 27, 1997, Respondent Printronix submitted a Phase I Environmental Assessment pursuant to Health and Safety Code section 25200.14. The Phase I Environmental assessment identified further investigation is needed to determine the existence, nature, and/or extent of contamination at the facility. Respondent Schlage operated at the same location from approximately 1968 through 1977, prior to Respondent Printronix. On April 10, 2003, DTSC conducted a site inspection of the Facility. Based on the site inspection and the information available to DTSC, DTSC identified nine (9) Areas of Concern/Solid Waste Management Units

(AOC/SWMUs) that may have released hazardous waste or hazardous waste constituents into the environment. The SWMUs are:

SWMU 1 - Former Degreaser Pit Area

SWMU 2 - Former TCE Supply Line Area

SWMU 3 - Former TCE Tank Area

SWMU 4 - Former Foundry Area

SWMU 5 - Former Wastewater Treatment Area

SWMU 6 - Former Hazardous Waste Storage Area

SWMU 7 - Former Old Plating Room

SWMU 8 – Former Underground Storage Tank Area

SWMU 9 - Groundwater

2.2. Based on the site inspection and the information available to DTSC, DTSC concludes that further investigation is needed to determine the nature and extent of contamination in nine SWMUs as listed below:

SWMU 1 - Former Degreaser Pit Area

SWMU 2 - Former TCE Supply Line Area

SWMU 3 - Former TCE Tank Area

SWMU 4 - Former Foundry Area

SWMU 5 - Former Wastewater Treatment Area

SWMU 6 - Former Hazardous Waste Storage Area

SWMU 7 - Former Old Plating Room

SWMU 8 – Former Underground Storage Tank Area

SWMU 9 - Groundwater

2.3. Hazardous wastes or hazardous waste constituents have migrated or may migrate from the Facility into the environment through the following pathways: soils, groundwater, airborne dust, particulate matter, vapors, and storm water runoff.

2.4. The hazardous waste and hazardous waste constituents of concern at the Facility are cyanide, volatile organics, solvents, metals, acids and bases.

2.5. The Facility is located in an industrial zone.

WORK TO BE PERFORMED

3. Based on the foregoing FINDINGS OF FACT, IT IS HEREBY ORDERED
THAT:

3.1. Respondents shall perform the work required by this Order in a manner consistent with: the attached Scopes of Work; DTSC-approved RCRA Facility Investigation Workplan, Corrective Measures Study Workplan, Corrective Measures Implementation Workplan, and any other DTSC-approved Workplans; Health and Safety Code and other applicable state and federal laws and their implementing regulations; and applicable DTSC or U.S. EPA guidance documents. Applicable guidance documents include, but are not limited to, the "RCRA Facility Investigation (RFI) Guidance" (Interim Final, May 1989, EPA 530/SW-89-031), "RCRA Groundwater Monitoring Technical Enforcement Guidance Document" (OSWER Directive 9950.1, September 1986), "Test Methods For Evaluating Solid Waste" (SW-846), and "Construction Quality Assurance for Hazardous Waste Land Disposal Facilities" (EPA 530/SW-85-031, July 1986).

3.2. Interim Measures (IM).

1 3.2.1. Respondents shall evaluate available data and assess the need for
2 interim measures in addition to those specifically required by this Order. Interim
3 measures shall be used whenever possible to control or abate immediate threats to
4 human health and/or the environment, and to prevent and/or minimize the spread of
5 contaminants while long-term corrective action alternatives are being evaluated.
6

7 3.2.2. Respondents shall submit a Current Conditions Report to DTSC in
8 accordance with section 3.3.1. of this Order. The Current Conditions Report shall
9 contain an assessment of interim measures. The assessment must include both
10 previously implemented interim measures and other interim measures that could be
11 implemented at the Facility. The assessment must also identify any additional data
12 needed for making decisions on interim measures. This new data or information shall
13 be collected during the early stages of the RCRA Facility Investigation. DTSC will
14 review the Respondents' assessment and determine which interim measures, if any,
15 Respondents will implement at the Facility. If deemed appropriate by DTSC, such
16 determination may be deferred until additional data are collected.
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19 3.2.3. In the event Respondents identify an immediate or potential threat to
20 human health and/or the environment, discovers new releases of hazardous waste
21 and/or hazardous waste constituents, or discovers new solid waste management units
22 not previously identified, Respondents shall notify the DTSC Project Coordinator orally
23 within 48 hours of discovery and notify DTSC in writing within 10 days of discovery
24 summarizing the findings, including the immediacy and magnitude of the potential threat
25 to human health and/or the environment. Within 30 days of receiving DTSC's written
26 request, Respondents shall submit to DTSC an IM Workplan for approval. The IM
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1 Workplan shall include a schedule for submitting to DTSC an IM Operation and
2 Maintenance Plan and IM Plans and Specifications. The IM Workplan, IM Operation
3 and Maintenance Plan, and IM Plans and Specifications shall be developed in a manner
4 consistent with the Scope of Work for Interim Measures Implementation appended as
5 Attachment 2. If DTSC determines that immediate action is required, the DTSC Project
6 Coordinator may orally authorize the Respondents to act prior to DTSC's receipt of the
7 IM Workplan.
8

9 3.2.4. If DTSC identifies an immediate or potential threat to human health and/or
10 the environment, discovers new releases of hazardous waste and/or hazardous waste
11 constituents, or discovers new solid waste management units not previously identified,
12 DTSC will notify Respondents in writing. Within 30 days of receiving DTSC's written
13 notification, Respondents shall submit to DTSC for approval an IM Workplan that
14 identifies Interim Measures that will mitigate the threat. The IM Workplan shall include a
15 schedule for submitting to DTSC an IM Operation and Maintenance Plan and IM Plans
16 and Specifications. The IM Workplan, IM Operation and Maintenance Plan, and IM
17 Plans and Specifications shall be developed in a manner consistent with the Scope of
18 Work for Interim Measures Implementation appended as Attachment 2. If DTSC
19 determines that immediate action is required, the DTSC Project Coordinator may orally
20 authorize Respondents to act prior to receipt of the IM Workplan.
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24 3.2.5. All IM Workplans shall ensure that the Interim Measures are designed to
25 mitigate current or potential threats to human health and/or the environment, and
26 should, to the extent practicable, be consistent with the objectives of, and contribute to
27 the performance of, any remedy which may be required at the Facility.
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1 3.2.6. Concurrent with the submission of an IM Workplan, Respondents shall
2 submit to DTSC a Health and Safety Plan in accordance with the Scope of Work for a
3 Health and Safety Plan, Attachment 3.

4 3.2.7. Concurrent with the submission of an IM Workplan, Respondents shall
5 submit to DTSC a Community Profile for DTSC approval in accordance with Attachment
6 4. Based on the information provided in the Community Profile, if DTSC determines that
7 there is a high level of community concern about the Facility, DTSC may require
8 Respondents to prepare a Public Participation Plan.

9 3.3. RCRA Facility Investigation (RFI).

10 3.3.1. Within 30 days of the effective date of this Order, Respondents shall
11 submit to DTSC a Current Conditions Report and a Workplan for a RCRA Facility
12 Investigation ("RFI Workplan"). The Current Conditions Report and RFI Workplan are
13 subject to approval by DTSC and shall be developed in a manner consistent with the
14 Scope of Work for a RCRA Facility Investigation contained in Attachment 1. DTSC will
15 review the Current Conditions Report and RFI Workplan and notify Respondents in
16 writing of DTSC's approval or disapproval.

17 3.3.2. The RFI Workplan shall detail the methodology to: (1) gather data needed
18 to make decisions on interim measures/ stabilization during the early phases of the
19 RCRA Facility Investigation; (2) identify and characterize all sources of contamination;
20 (3) define the nature, degree and extent of contamination; (4) define the rate of
21 movement and direction of contamination flow; (5) characterize the potential pathways
22 of contaminant migration; (6) identify actual or potential human and/or ecological
23 receptors; and (7) support development of alternatives from which a corrective measure

1 will be selected by DTSC. A specific schedule for implementation of all activities shall
2 be included in the RFI Workplan.

3 3.3.3. Respondents shall submit a RFI Report to DTSC for approval in
4 accordance with DTSC-approved RFI Workplan schedule. The RFI Report shall be
5 developed in a manner consistent with the Scope of Work for a RCRA Facility
6 Investigation contained in Attachment 5. If there is a phased investigation, separate RFI
7 Reports and a report that summarizes the findings from all phases of the RFI must be
8 submitted to DTSC. DTSC will review the RFI Report(s) and notify Respondents in
9 writing of DTSC's approval or disapproval.

10 3.3.4. Concurrent with the submission of a RFI Workplan, Respondents shall
11 submit to DTSC a Health and Safety Plan in accordance with Attachment 3. If
12 Workplans for both an IM and RFI are required by this Order, Respondents may submit
13 a single Health and Safety Plan that addresses the combined IM and RFI activities.

14 3.3.5. Respondents shall submit a RFI Summary Fact Sheet to DTSC that
15 summarizes the findings from all phases of the RFI. The RFI Summary Fact Sheet shall
16 be submitted to DTSC in accordance with the schedule contained in the approved RFI
17 Workplan. DTSC will review the RFI Summary Fact Sheet and notify Respondents in
18 writing of DTSC's approval or disapproval, including any comments and/or
19 modifications. When DTSC approves the RFI Summary Fact Sheet, Respondents shall
20 mail the approved RFI Summary Fact Sheet to all individuals on the Facility mailing list
21 established pursuant to California Code of Regulations, title 22, section
22 66271.9(c)(1)(D), within 15 calendar days of receipt of written approval.

1 3.3.6. Concurrent with the submission of a RFI Workplan, Respondents shall
2 submit to DTSC a Community Profile for DTSC approval in accordance with Attachment
3
4 4. Based on the information provided in the Community Profile, if DTSC determines
5 that there is a high level of community concern about the Facility, DTSC may require
6 Respondents to prepare a Public Participation Plan.

7 3.4. Corrective Measures Study (CMS).

8 3.4.1. Respondents shall prepare a Corrective Measures Study if contaminant
9 concentrations exceed current health-based action levels and/or if DTSC determines
10 that the contaminant releases pose a potential threat to human health and/or the
11 environment. {NOTE: For staff's reference, it is recommended that the CalTOX or the
12 health-based levels found in Heath Risk Assessment (HRA) developed by DTSC be
13 used as action levels. CalTOX and health-based levels are health-based contaminant
14 concentrations in air, soil (residential and industrial), and water which can be used for
15 risk screening purposes, as possible triggers for further action (e.g., corrective
16 measures study), and as starting points for determining site-specific cleanup levels.
17 The soil contaminant concentrations for residential use should be used as a trigger point
18 for requiring a CMS. A cumulative Health Risk Assessment may be required for
19 operating facilities (e.g., off-site facility) to establish cleanup levels. Please contact the
20 Office of Scientific Affairs for more information about CalTOX.}

21 3.4.2. Within 30 days of DTSC's approval of the RFI Report (or of Respondents'
22 receipt of a written request from DTSC), Respondents shall submit a CMS Workplan to
23 DTSC. The CMS Workplan is subject to approval by DTSC and shall be developed in a
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1 manner consistent with the Scope of Work for a Corrective Measures Study contained
2 in Attachment 5.

3 3.4.3. The CMS Workplan shall detail the methodology for developing and
4 evaluating potential corrective measures to remedy any contamination at the Facility.
5 The CMS Workplan shall identify the potential corrective measures, including any
6 innovative technologies, that may be used for the containment, treatment, remediation,
7 and/or disposal of contamination.
8

9 3.4.4. Respondents shall prepare treatability studies for all potential corrective
10 measures that involve treatment except where Respondents can demonstrate to
11 DTSC's satisfaction that they are not needed. The CMS Workplan shall include, at a
12 minimum, a summary of the proposed treatability study including a conceptual design, a
13 schedule for submitting a treatability study workplan, or Respondents' justification for
14 not proposing a treatability study.
15

16 3.4.5. Respondents shall submit a CMS Report to DTSC for approval in
17 accordance with DTSC-approved CMS Workplan schedule. The CMS Report shall be
18 developed in a manner consistent with the Scope of Work for a Corrective Measures
19 Study contained in Attachment 5. DTSC will review the CMS Report and notify
20 Respondents in writing of DTSC's approval or disapproval.
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22 3.5. Remedy Selection.

23 3.5.1. DTSC will provide the public with an opportunity to review and comment
24 on the final draft of the CMS Report, DTSC's proposed corrective measures for the
25 Facility, and DTSC's justification for selection of such corrective measures.
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1 3.5.2. Following the public comment period, DTSC may select final corrective
2 measures or require Respondents to revise the CMS Report and/or perform additional
3 corrective measures studies.
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5 3.5.3. DTSC will notify Respondents of the final corrective measures selected by
6 DTSC in the Final Decision and Response to Comments. The notification will include
7 DTSC's reasons for selecting the corrective measures.
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8 3.6. Corrective Measures Implementation (CMI).
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10 3.6.1. Within 60 days of Respondents' receipt of notification of DTSC's selection
11 of the corrective measures, Respondents shall submit to DTSC a Corrective Measures
12 Implementation (CMI) Workplan. The CMI Workplan is subject to approval by DTSC
13 and shall be developed in a manner consistent with the Scope of Work for Corrective
14 Measures Implementation contained in Attachment 6.
15

16 3.6.2. Concurrent with the submission of a CMI Workplan, Respondents shall
17 submit to DTSC a Health and Safety Plan in accordance with Attachment 3.
18

19 3.6.3. Concurrent with the submission of a CMI Workplan, Respondents shall
20 submit to DTSC a Community Profile for DTSC approval in accordance with Attachment
21 4. Based on the information provided in the Community Profile, if DTSC determines
22 that there is a high level of community concern about the Facility, DTSC may require
23 Respondents to prepare a Public Participation Plan.
24

25 3.6.4. The CMI program shall be designed to facilitate the design, construction,
26 operation, maintenance, and monitoring of corrective measures at the Facility. In
27 accordance with the schedule contained in the approved CMI Workplan, Respondents
28 shall submit to DTSC the documents listed below. These documents shall be

1 developed in a manner consistent with the Scope of Work for Corrective Measures
2 Implementation contained in Attachment 6.

- 3 o Operation and Maintenance Plan
- 4 o Draft Plans and Specifications
- 5 o Final Plans and Specifications
- 6 o Construction Workplan
- 7 o Construction Completion Report
- 8 o Corrective Measures Completion Report

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11 3.6.5. DTSC will review all required CMI documents and notify Respondents in
12 writing of DTSC's approval or disapproval.

13 3.6.6. As directed by DTSC, within 90 days of DTSC's approval of all required
14 CMI documents, Respondents shall establish a financial assurance mechanism for
15 Corrective Measures Implementation. The financial assurance mechanisms may
16 include any mechanism described in California Code of Regulations, title 22, sections
17 66264.143 or 66265.143 as applicable. The mechanism shall be established to allow
18 DTSC access to the funds to undertake Corrective Measures Implementation tasks if
19 Respondents are unable or unwilling to undertake the required actions.
20

21 OTHER REQUIREMENTS AND PROVISIONS

22
23 4.1. Project Coordinator. Within 14 days of the effective date of this Order,
24 DTSC and Respondents shall each designate a Project Coordinator and shall notify
25 each other in writing of the Project Coordinator selected. Each Project Coordinator shall
26 be responsible for overseeing the implementation of this Order and for designating a
27 person to act in his/her absence. All communications between Respondents and
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1 DTSC, and all documents, report approvals, and other correspondence concerning the
2 activities performed pursuant to this Order shall be directed through the Project
3 Coordinators. Each party may change its Project Coordinator with at least seven days
4 prior written notice.
5

6 4.2. Department Approval.

7 4.2.1. Respondents shall revise any workplan, report, specification, or schedule
8 in accordance with DTSC's written comments. Respondents shall submit to DTSC any
9 revised documents by the due date specified by DTSC. Revised submittals are subject
10 to DTSC's approval or disapproval.
11

12 4.2.2. Upon receipt of DTSC's written approval, Respondents shall commence
13 work and implement any approved workplan in accordance with the schedule and
14 provisions contained therein.
15

16 4.2.3. Any Department approved workplan, report, specification, or schedule
17 required by this Order shall be deemed incorporated into this Order.

18 4.2.4. Verbal advice, suggestions, or comments given by DTSC representatives
19 will not constitute an official approval or decision.
20

21 4.3. Submittals.

22 4.3.1. Beginning with the first full month following the effective date of this Order,
23 Respondents shall provide DTSC with monthly progress reports of corrective action
24 activities conducted pursuant to this Order. Progress reports are due on the first day of
25 the month. The progress reports shall conform to the Scope of Work for Progress
26 Reports contained in Attachment 7. DTSC may adjust the frequency of progress
27 reporting to be consistent with site-specific activities.
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1 4.3.2. Any report or other document submitted by Respondents pursuant to this
2 Order shall be signed and certified by the project coordinator, a responsible corporate
3 officer, or a duly authorized representative.
4

5 4.3.3. The certification required above, shall be in the following form:

6 I certify that the information contained in or accompanying this
7 submittal is true, accurate, and complete. As to those portions of
8 this submittal for which I cannot personally verify the accuracy, I
9 certify that this submittal and all attachments were prepared at my
10 direction in accordance with procedures designed to assure that
11 qualified personnel properly gathered and evaluated the information
12 submitted.
13

14 Signature: _____

15 Name: _____

16 Title: _____

17 Date: _____
18

19 4.3.4. Respondents shall provide three copies of all documents, including but not
20 limited to, workplans, reports, and correspondence of 15 pages or longer. Submittals
21 specifically exempted from this copy requirement are all progress reports and
22 correspondence of less than 15 pages, of which one copy is required.
23

24 4.3.5. Unless otherwise specified, all reports, correspondence, approvals,
25 disapprovals, notices, or other submissions relating to this Order shall be in writing and
26 shall be sent to the current Project Coordinators.
27

28 4.4. Proposed Contractor/Consultant.

1 All work performed pursuant to this Order shall be under the direction and
2 supervision of a professional engineer or registered geologist, registered in California,
3 with expertise in hazardous waste site cleanup. Respondents' contractor or consultant
4 shall have the technical expertise sufficient to fulfill his or her responsibilities. Within 14
5 days of the effective date of this Order, Respondents shall notify the DTSC Project
6 Coordinator in writing of the name, title, and qualifications of the professional engineer
7 or registered geologist and of any contractors or consultants and their personnel to be
8 used in carrying out the requirements of this Order. DTSC may disapprove of
9 Respondents' contractor and/or consultant.
10
11

12 4.5. Quality Assurance.

13 4.5.1. All sampling and analyses performed by Respondents under this Order
14 shall follow applicable Department and U.S. EPA guidance for sampling and analysis.
15 Workplans shall contain quality assurance/quality control and chain of custody
16 procedures for all sampling, monitoring, and analytical activities. Any deviations from
17 the approved workplans must be approved by DTSC prior to implementation, must be
18 documented, including reasons for the deviations, and must be reported in the
19 applicable report (e.g., RFI Report).
20
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22 4.5.2. The names, addresses, and telephone numbers of the California State
23 certified analytical laboratories Respondents propose to use must be specified in the
24 applicable workplans.

25 4.5.3. All workplans required under this Order shall include data quality
26 objectives for each data collection activity to ensure that data of known and appropriate
27 quality are obtained and that data are sufficient to support their intended uses.
28

1 4.5.4. Respondents shall monitor to ensure that high quality data are obtained
2 by its consultant or contract laboratories. Respondents shall ensure that laboratories
3 used by Respondents for analysis perform such analysis according to the latest
4 approved edition of "Test Methods for Evaluating Solid Waste, (SW_846)", or other
5 methods deemed satisfactory to DTSC. If methods other than U.S. EPA methods are to
6 be used, Respondents shall specify all such protocols in the applicable workplan (e.g.,
7 RFI Workplan). DTSC may reject any data that do not meet the requirements of the
8 approved workplan, U.S. EPA analytical methods, or quality assurance/quality control
9 procedures, and may require resampling and analysis.
10

11
12 4.5.5. Respondents shall ensure that the California State certified laboratories
13 used by Respondents for analyses have a quality assurance/quality control program.
14 DTSC may conduct a performance and quality assurance/quality control audit of the
15 laboratories chosen by Respondents before, during, or after sample analyses. Upon
16 request by DTSC, Respondents shall have its selected laboratory perform analyses of
17 samples provided by DTSC to demonstrate laboratory performance. If the audit reveals
18 deficiencies in a laboratory's performance or quality assurance/quality control
19 procedures, resampling and analysis may be required.
20

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22 4.6. Sampling and Data/Document Availability.

23 4.6.1. Respondents shall submit to DTSC upon request the results of all
24 sampling and/or tests or other data generated by its employees, agents, consultants, or
25 contractors pursuant to this Order.
26

27 4.6.2. Notwithstanding any other provisions of this Order, DTSC retains all of its
28 information gathering and inspection authority and rights, including enforcement actions

1 related thereto, under Health and Safety Code, and any other state or federal statutes
2 or regulations.

3 4.6.3. Respondents shall notify DTSC in writing at least 7 days prior to beginning
4 each separate phase of field work approved under any workplan required by this Order.
5 If Respondents believe they must commence emergency field activities without delay,
6 Respondents may seek emergency telephone authorization from DTSC Project
7 Coordinator or, if the Project Coordinator is unavailable, his/her Branch Chief, to
8 commence such activities immediately.
9
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11 4.6.4. At the request of DTSC, Respondents shall provide or allow DTSC or its
12 authorized representative to take split or duplicate samples of all samples collected by
13 Respondents pursuant to this Order. Similarly, at the request of Respondents, DTSC
14 shall allow Respondents or their authorized representative to take split or duplicate
15 samples of all samples collected by DTSC under this Order.
16

17 4.7. Access.

18 4.7.1. Subject to the Facility's security and safety procedures, Respondents shall
19 provide DTSC and their representatives access at all reasonable times to the Facility
20 and any other property to which access is required for implementation of this Order and
21 shall permit such persons to inspect and copy all records, files, photographs,
22 documents, including all sampling and monitoring data, that pertain to work undertaken
23 pursuant to this Order and that are within the possession or under the control of
24 Respondents or their contractors or consultants.
25

26 4.7.2. To the extent that work being performed pursuant to this Order must be
27 done beyond the Facility property boundary, Respondents shall use its best efforts to
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1 obtain access agreements necessary to complete work required by this Order from the
2 present owners of such property within 30 days of approval of any workplan for which
3 access is required. Best efforts as used in this paragraph shall include, at a minimum, a
4 letter by certified mail from the Respondents to the present owners of such property
5 requesting an agreement to permit Respondents and DTSC and its authorized
6 representative's access to such property and offering the payment by Respondents of
7 reasonable sums of money in consideration of granting access. Any such access
8 agreement shall provide for access to DTSC and its representatives. Respondents
9 shall provide DTSC's Project Coordinator with a copy of any access agreements. In the
10 event that an agreement for access is not obtained within 30 days of approval of any
11 workplan for which access is required, or of the date that the need for access becomes
12 known to Respondents, Respondents shall notify DTSC in writing within 14 days
13 thereafter regarding both the efforts undertaken to obtain access and its failure to obtain
14 such agreements. DTSC may, at its discretion, assist Respondents in obtaining access.

18 4.7.3. Nothing in this section limits or otherwise affects DTSC's right of access
19 and entry pursuant to any applicable state or federal law or regulation.

21 4.7.4. Nothing in this Order shall be construed to limit or otherwise affect
22 Respondents' liability and obligation to perform corrective action including corrective
23 action beyond the Facility boundary.

24 4.8. Record Preservation.

25 4.8.1. Respondents shall retain, during the implementation of this Order and for
26 a minimum of six years thereafter, all data, records, and documents that relate in any
27 way to the implementation of this Order or to hazardous waste management and/or
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1 disposal at the Facility. Respondents shall notify DTSC in writing 90 days prior to the
2 destruction of any such records, and shall provide DTSC with the opportunity to take
3 possession of any such records. Such written notification shall reference the effective
4 date, caption, and docket number of this Order and shall be addressed to:
5

6 Mr. Stephen W. Lavinger, Chief
7 Tiered Permitting Corrective Action Branch
8 Hazardous Waste Management Program
9 Department of Toxic Substances Control
10 5796 Corporate Avenue
11 Cypress, California 90630
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14 4.8.2. If Respondents retain or employs any agent, consultant, or contractor for
15 the purpose of complying with the requirements of this Order, Respondents will require
16 any such agents, consultants, or contractors to provide Respondents a copy of all
17 documents produced pursuant to this Order.
18

19 4.8.3. All documents pertaining to this Order shall be stored in a central location
20 at the Facility to afford ease of access by DTSC and its representatives.

21 4.9. Change in Ownership. No change in ownership or corporate or partnership
22 status relating to the Facility shall in any way alter Respondents' responsibility under
23 this Order. No conveyance of title, easement, or other interest in the Facility, or a
24 portion of the Facility, shall affect Respondents' obligations under this Order. Unless
25 DTSC agrees that such obligations may be transferred to a third party, Respondents
26 shall be responsible for and liable for any failure to carry out all activities required of
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1 Respondents by the terms and conditions of this Order, regardless of Respondents' use
2 of employees, agents, contractors, or consultants to perform any such tasks.

3 4.10. Notice to Contractors and Successors. Respondents shall provide a copy
4 of this Order to all contractors, laboratories, and consultants retained to conduct or
5 monitor any portion of the work performed pursuant to this Order and shall condition all
6 such contracts on compliance with the terms of this Order. Respondents shall give
7 written notice of this Order to any successor in interest prior to transfer of ownership or
8 operation of the Facility and shall notify DTSC at least seven days prior to such transfer.
9
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11 4.11. Compliance with Applicable Laws. All actions required to be taken
12 pursuant to this Order shall be undertaken in accordance with the applicable
13 requirements of all local, state, and federal laws and regulations. Respondents shall
14 obtain or cause its representatives to obtain all permits and approvals necessary under
15 such laws and regulations.
16

17 4.12. Costs. Respondents are liable for all costs associated with the
18 implementation of this Order, including all costs incurred by DTSC in overseeing the
19 work required by this Order.
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21 4.13. Endangerment during Implementation. In the event that DTSC determines
22 that any circumstances or activity (whether or not pursued in compliance with this
23 Order) are creating an imminent or substantial endangerment to the health or welfare of
24 people at the Facility or in the surrounding area or to the environment, DTSC may order
25 Respondents to stop further implementation of this Order for such period of time as
26 needed to abate the endangerment. Any deadline in this Order directly affected by an
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1 Order to Stop Work under this section shall be extended for the term of the Order to
2 Stop Work.

3 4.14. Liability. Nothing in this Order shall constitute or be construed as a
4 satisfaction or release from liability for any conditions or claims arising as a result of
5 past, current, or future operations of Respondents. Notwithstanding compliance with
6 the terms of this Order, Respondents may be required to take further actions as are
7 necessary to protect public health or welfare or the environment.
8

9 4.15. Government Liabilities. The State of California shall not be liable for
10 injuries or damages to persons or property resulting from acts or omissions by
11 Respondents or related parties specified in section 4.19 in carrying out activities
12 pursuant to this Order, nor shall the State of California be held as a party to any contract
13 entered into by Respondents or its agents in carrying out activities pursuant to the
14 Order.
15

16 4.16. Additional Enforcement Actions. By issuance of this Order, DTSC does
17 not waive the right to take further enforcement actions.
18

19 4.17. Incorporation of Plans and Reports. All plans, schedules, and reports that
20 require Department approval and are submitted by Respondents pursuant to this Order
21 are incorporated in this Order upon approval by DTSC.
22

23 4.18. Penalties for Noncompliance. Failure to comply with the terms of this
24 Order may subject Respondents to costs, penalties, and/or punitive damages for any
25 costs incurred by DTSC or other government agencies as a result of such failure, as
26 provided by Health and Safety Code section 25188 and other applicable provisions of
27 law.
28

1 4.19. Parties Bound. This Order shall apply to and be binding upon
2 Respondents, and their officers, directors, agents, employees, contractors, consultants,
3 receivers, trustees, successors, and assignees, including but not limited to individuals,
4 partners, and subsidiary and parent corporations.
5

6 4.20. Compliance with Waste Discharge Requirements. Respondents shall
7 comply with all applicable waste discharge requirements issued by the State Water
8 Resources Control Board or a California regional water quality control board.
9

10 4.21. Submittal Summary. Below is a summary of the major reporting
11 requirements contained in this Order. The summary is provided as a general guide and
12 does not contain all requirements. Please refer to the specific language of this Order for
13 all the requirements.
14

<u>Section</u>	<u>Action</u>	<u>Due Date</u>
4.2.2	Implement approved Workplans	In accordance with schedules contained in approved Workplans
4.1	Designate Project Coordinator and notify DTSC in writing	14 days from effective date of Order
3.2.3	Notify DTSC orally of potential threats to human health	48 hours after discovery
3.2.3	Notify DTSC in writing of potential threats to human health	10 days after discovery

1		Submit Interim Measures	60 days from
2		Workplan, Health and Safety	effective date
3		Plan, and Public Involvement	of Order
4		Plan	
5			
6		Submit RFI Workplan,	60 days from
7		Current Conditions Report,	effective date of
8		Public Involvement Plan, and	Order
9		Health and Safety Plan	
10			
11	3.4.2	Submit CMS Workplan	30 days after
12			Department request
13			
14	3.6.1	Submit CMI Workplan	60 days from receipt of
15			notification of DTSC
16			selection of a
17			corrective measure
18			
19	4.3.1	Submit first Progress Report	First day of the month
20			following the effective date
21			of Order
22			
23	4.3.1	Submit Progress Reports	monthly
24			
25	4.4	Notify DTSC in writing of	14 days from
26		Contractors to carry out	effective date
27		terms of Order	of Order
28			

1 4.6.3 Notify DTSC of when 7 days before each
2 field work starts phase of field work
3

4 RIGHT TO A HEARING

5 5. You may request a hearing to challenge the Order. Appeal procedures are
6 described in the attached Statement to Respondents.
7

8 EFFECTIVE DATE

9 6. This Order is final and effective 20 days from the date of mailing, which is the
10 date of the cover letter transmitting the Order to you, unless you request a hearing
11 within the 20-day period.
12

13
14 Date of Issuance May 18, 2006
15

16
17 Original signed by Stephen Lavinger
18 Mr. Stephen W. Lavinger, Chief
19 Tiered Permitting Corrective Action Branch
20 Hazardous Waste Management Program
21 Department of Toxic Substances Control
22
23
24
25
26
27
28

1 COMMUNITY PROFILE OUTLINE

2 FOR

3 1700 Barranca Parkway
4 Irvine, California 92606

5 The following items should be included in the Community Profile:
6

7 SITE DESCRIPTION
8

9 " Description of proposed project.
10

11 " Map.
12

13 " Description of the site/facility location.
14

15 " Description of the surrounding land uses and environmental resources
16 (including proximity to residential housing, schools, churches, etc.).
17

18 " Visibility of the site to neighbors.
19

20 " Demographics of community in which the site is located (e.g.,
21 socioeconomic level, ethnic composition, specific language
22 considerations, etc.). This information may be found in local libraries (e.g.,
23 census records).
24

25 LOCAL INTEREST

26 " Contacts with community members - any inquiries from community
27 members, groups, organizations, etc. (include names, phone numbers,
28 and addresses on the key contact list).

1 " Community interactions - any current meetings, events, presentations, etc.

2

3 " Media coverage - any newspaper, magazine, television, etc., coverage.

4

5 " Government contacts - city and county staff, state and local elected
6 officials.

7

8 KEY CONTACT LIST

9

10 " Names, addresses, and phone numbers of city manager, city/county
11 planning department staff, local elected officials, and other community
12 members with whom previous contact has been made.

13

14 PAST PUBLIC INVOLVEMENT ACTIVITIES

15

16 " Any ad hoc committees, community meetings, workshops, letters,
17 newsletters, etc., about the site or similar activity.

18

19 KEY ISSUES AND CONCERNS

20

21 " Any specific concerns/issues raised by the community regarding the
22 site/facility or any activities performed on the site/facility.

23

24 " Any anticipated concerns/issues regarding the site/facility.

25

26 " Any general environmental concerns/issues in the community.

27

28 PP Review _____ Date _____